App. F IX—4

CLASS B

(1959)

Previous References.

File No. AFD 227 FEL 59

Serial Nos.

Later References.

Agriculture — Forests Deptt.

THE MYSORE GOVERNMENT SECRETARIAT

Serial Nos.

Part B for

SUBJECT

Grant of lands for Coffee Cultivation out of F.S. No. 26 of Attigere Village

WD 010650—GPB—40,000—6-3-62

~~FOR~~/NOT FOR NOTE BOOK
UNDER SECRETARY

R. S. Ramaiah
Under Secretary to Govt.

A 7/4/64

Vatsala S.R.
(ಎಸ್.ಆರ್. ವತ್ಸಲ)
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆ,
(ಅರಣ್ಯ-೩).

4-5-59
25-4-62

PRESERVE

AFD 227 FGL 59

Serial No.

AGRICULTURE & FOREST DEPARTMENT
(Forest Section)

...

1 Sub:- Grant of lands for Coffee cultivation out of S.No.26 of Attigere Village.

2 D.4470 dt. 11-5-59 is for perusal.

3 Law Department may kindly advise on the paras marked 'A' & 'B' of the CCF's letter dated 6-5-59 in the first instance.

4 L.D. for remarks under the circumstances explained by the CCF.

sd/- P. Venkataraman.
D.S. A&F Dept.

LAW DEPARTMENT

5 This method of referring the file without summarising the facts as accepted by the Department and not noting the specific issue for opinion is against the Secretariat Rules of Business and the Department should have followed the rules.

6 The first question raised by the Chief Conservator of Forests in the portion of his letter marked 'A' does not arise now. The Forest Department is bound by the order of the District Magistrate as regards the disposal of the timber which was involved in the criminal case. It is too late to contend that the order was not legal or incorrect. If that were so, the Chief Conservator of Forests should have moved the Government in time to file a Revision Petition to the High Court against the order of disposal. The only course now open to the Department is to release the timber as per orders of the Court after levying such amount of seigniorage as is legally due.

As regards the second question of asking the Revenue Department to cancel the grant, it is impossible for this Department to express any views

	Serial No.
as the relevant facts and the provisions under which that Department made the grants are not noted either by the Department or the Chief Conservator of Forests in his letter. sd/- T.K. Tukol. Addl. Law Secretary, 5-9-1959 A & F. Deptt.	
The G.L. at P.5/CF may issue in the first instance and after issue the file may be referred to R.D. for their remarks on para marked 'B' of P.1/CF.	8
M(Fts) may kindly see.	9
For perusal before issue. sd/- S.A. Mannon D.S. A&F Dept. M(F&T) Intd. K.F.P. 19/9.	10

Copy of letter No.B3-41-254/59-60 dated 6-5-1959 from the Chief Conservator of Forests, Bangalore, to the Secretary to Government, Agriculture & Forest Departments, Bangalore.

....

Sub:- Grant of lands for Coffee cultivation out of S.No.26 of Attigere Village.

....

In enclosing the connected records on the above subject, I write to state that three plots of 5 acres, 5 acres and 15 acres extent were granted for coffee cultivation in S.No.26 of Attigere Village, Chikmagalur Taluk to Mrs. Naimunissa, Shri C.Mohamed Ali and Shri Mohamed Buden Din respectively by the Revenue Department. On a representation made by the public alleging encroachment by the parties of a different area, other than the one actually granted, the District Forest Officer, Chikmagalur and the Assistant Commissioner Chikmagalur inspected the area. This inspection revealed that the parties had encroached upon Government land and felled some valuable timber trees. In view of this, action was taken by the District Forest Officer to seize the timber felled in the Government land. In the meanwhile, on the representation of the parties the Deputy Commissioner, Chikmagalur directed the Asst. Commissioner, Chikmagalur to re-examine the whole matter of the alleged encroachment by the parties. But as the decision taken by the Assistant Commissioner was not received by the District Forest Officer he ordered prosecution of the offenders and accordingly the Range Forest Officer Kadur placed a charge sheet in the Court of the Munsiff-Magistrate Chikmagalur. In the meanwhile, the Assistant Commissioner, Chikmagalur re-examined the question of the encroachment by the parties and came to the conclusion that the parties had occupied the plots orginally granted to them, and had not encroached any Government land. Taking all these facts into consideration the Munsiff Magistrate acquitted the parties of all charges and ordered release of the timber. But as this order was silent as to the recovery of malki value from the parties, a revision petition was filed before the District Magistrate, Chikmagalur. According to the orders passed by the District Magistrate the parties have to take the property in question after making the payment due to Government. The Conservator of Forests, Shimoga Circle reports that the Quantity of timber felled by the parties is 545 logs measuring 5795 cft and that the total seigniorage value works out to Rs.3,836-79 Np while as per the revised seigniorage value since 1-11-1958 total value gets increased. Further as the timber is of very good quality its market price would be considerably higher than the malki and thus Government stands to loose if the timber is to be released to the parties. In this connection I have to state that the area in question was notified under Sec.4 of the Mysore Forest Act at the time of its disposal during 1955 by the Revenue Department, the notification being dated 15-6-1943. According to Sec.6(1) of the Mysore Forest Act, no right of occupancy shall, without the previous sanction of the State Government, be granted inrespect of such land and every right of occupancy granted without such sanction shall be null and void. Further according to Sec.6(3) no Civil Court shall, between the dates of publication of the notification under sec.4 and of the final notification to be issued under Sec.17 entertain any suit to establish any right in or over any land or to the Forest produce of any land included in the notification under Sec.4. In view of the above the Revenue Department have no jurisdiction to dispose of the above land and the Civil Court appears to have no jurisdiction to try the suit which establishes right over the land and produce thereon. Therefore the timber felled by the parties will have to be perhaps confiscated

p.t.o.

to Government. Again, as per Government Order No.AF6954-57/F
73-52-2 dated 13th October 1952, the right of reservation of timber of Honne and nine other species in case of lands grant on dharakast for coffee cultivation, vests for a period of one year with the Forest Department while in these cases, the parties had not consulted the Forest Department at all. The area has since been notified as a State Forest under Sec.17 of M.F.A. in Government Order No.AFD 8 AFT 57 dated 1-3-1958.

2. In view of the orders passed by the Court I request you kindly to communicate orders of Government in consultation with the Law Department if need be as to the further action to be taken regarding releasing of the property in question. As the party is urging for releasing the timber I solicit early orders of Government.

3. As the area in question is part of a State Forest, the Revenue Department may kindly be addressed to cancel the grant made by them.

4. The connected records may kindly be returned when no longer required.

.....

Copy of Govt. Letter No.AFD 227 FGL 59 dated 25-9-59 from the Secretary to Government, Agriculture & Forest Department, Bangalore, to the Chief Conservator of Forests, Bangalore.

....

Sub:- Grant of lands for coffee cultivation out of S.No.26 of Attigere village.

Ref:- Your letter No.B3-41-254/59-60 dt.6-5-59 on the subject.

...

With reference to the above, I am directed to state that Government considers that the Forest Department should honour the orders passed by the District Magistrate as regards the disposal of the timber which was involved in the criminal case. I am therefore to request you to release the timber according to the orders of the Court after levying such amount of seigniorage as is legally due.

As regards your proposal to request the Revenue Department to cancel the grant please indicate the relevant facts leading to the grant and also the provision under which the Revenue Department made the grants in order to enable Government to examine the question further if considered necessary.

Papers of the case are returned herewith.

.....

Accompaniments: Papers of the case.

....

Sub: Release of timber and taking Talkie of S. No 26 of Athigiri

Mysore Government Secretariat

File No. of 195 App. F. III 2 (7)

AFD 506 FAD 59.

Serial No.

1) D. No AFD 11828/59 P 16 to

The P.U.D is for perusal. Orders of M(F) on page 1 CF "Pl put up papers immediately"

2) There seems to be no pps pending in forest Section. If appd, remarks of the CCF will be obtained on the petition of Sri Mohammed Burhanuddin. Dft letter put up for appl.

17/12

3) Done

24/12 U.S. (Cop)

15/12/59

4) D. No AFD 12333/59 P 9 to 11/C

The P.U.D is for perusal with ref to the remarks pps to M(F) on page 9 CF. As no report seems to have been received from the CCF he may be reminded. Dft P13/C reminder put up for appl.

2/1/60

5) Same as amended.

4.1.60

22/1/60

6) D. No AFD 11933/59 P 15 to 18/C

7) D. No. AFD 837/60 P 19/C

As per orders of DS in the original letter of the CCF, a copy is taken out and noted up.

3/2

Note.—Contn. Sheet

File No. of 195 . Mysore Government Secretariat

Serial No.

8) The P.N. D is for perusal. AFD file no AFD 227 FGL 59 is put up and kind refce to the opinion of LD in paras 5 to 7 up and orders of M(F) in para 11 up. The CCF has been informed accordingly vide B.L No AFD 227 FGL 59 28-9-59. Flag "Y"

9) As separate action is being taken in respect of grant of land for coffee cultivation, the party will be informed, so far as release of timber, as advised by the LD. PZ/C letter is put up for appl.

10) The file may be subd with refce to Minutes of M(F) on page 1/c and also with refce to remarks of PS to M(F) on page 9/c

PN 3/2

11. The history of the case in brief is as follows:—

In June 1957, the petitioners were granted 15 acres of land by the Rev Department in S No 26 of Athigin village for coffee cultivation. When the timber in that area was cut the RFO. Kadur reported to the D.F.O. Chikmagalur that the timber cut was from the State Forests. The ~~S.D.F.O~~ Sub Div Offr after enquiry ordered on 30.4.58 that the timber belonged to the petitioners. But the D.F.O Chikmagalur seized all the petitioners timber alongwith that belonging to other two parties and cases were filed in the Munsiffs Court. The Court passed an order on 28.8.58 directing that the timber seized should be returned to the parties.

Serial No.

The Dept then filed a Revision Petition to the District Magistrate Chikmagalur who passed an order on 2.3.1959 directing that after receiving the matki, all the timber seized be returned to the petitioner. The order of the District Court has not been executed as yet.

11. The C.C.F. in his letter (file of AFD 227 FGL 59 placed below) 6th May 1959 has reported that the area in question was notified under Sec 4 of the Mysore Forest Act at the time this disposal being 1955 by the Rev Department, the notification being dated 15-6-1943. According to Sec 6(1) of the Mysore Forest Act no rights of occupancy ~~shall~~ shall without the previous sanction of the State Govt., be granted in respect of such land and every right of occupancy granted without such sanction shall be null and void. Besides according to Sec 6(3) no Civil Court shall, between the date of publication of the notification under Sec 4 and of the final notification to be issued under Sec 17, entertain any suit to establish right in or over any land or to the forest status of any land included in the notification under Sec 4. The CCF was therefore of the opinion that the R.D. had no jurisdiction to dispose of the above land and the Civil Court to try the suit. He also felt that the felled timber would have to be confiscated by the Forest Department.

12. The Law Dept which was consulted in the matter advised that the Forest Dept was bound by the order of the District Magistrate as regards the disposal of the timber which was involved in the Criminal case. He also felt that it was too late to contend that the order was not legal or incorrect. The Law Dept also felt that the only course open to the Dept was to release the timber according to the order of the Court after levying such amounts of seigniorage as was legally due. The C.C.F. was accordingly

B para 6 / N.F. in file No. AFD 227 FGL 59 placed below

Note.—Contn. Sheet

advised to take further action in G.L. of 25.9.59. No action seems to have been taken by the Dept. till now.

Serial No.

(8) p7/c ... file plead below.

The C.C.F. in his letter of 14th Dec 1959 p15/c 13
now reports that according to the orders contained in G.O. No AF 6954-57/FT 73-52-2 dated 13.10.52 even in areas given out for cultivation, the Forest Dept has a right over the reserved kinds of timber such as Honne, Nandi, Poon, Teak, Blackwood etc but the Dept should exercise its right within one year after giving the land for cultivation. In the present case the Dept has seized the timber within a period of one year from the date of granting the land under 'Darkhast'. The C.C.F. therefore contends that the reserved timber in the present case belongs to Govt. Orders are now solicited on the point whether (1) the action of the Dept in confiscating the timber belonging to at least reserved species is in order and (2) the land grant made by the R.D. should not be cancelled.

As regards (1) in view of the L.D's opinion as 14
mentioned in para 12 supra, there is no alternative but to respect the order of the Court in the matter of release of timber. But since the C.C.F. has raised a new point (p15/c) the L.D. may advise if the opinion furnished by them previously requires revision. As regards (2) the C.C.F. may be told that unless he furnishes information called for in para 2 of G.L. of 25.9.59, no decision can be

(8) p7/c ... the pps plead below

F.N. 538/Law (829-III) (11)

Serial No.

Communicated.

16 If approved, the L.D. may kindly see these papers for opinion as proposed in the first instance. For favour of urgent remarks & return.

for P.S.
8.2.60.

Law Dept.

MYSORE GOVT. SECRETARIAT No. 829/60 10 FEB 1960 LAW SECTION, 3

Pl. see FN-1940 9/60

F.N. 538 (Law Sec. III) 9.2.60

15 A certified copy of the order passed by the Civil Judge cum District Magistrate in C.C. No 383/58 CRP 9/58, may kindly be made available, early.

u/s A.F.)

u.s. III Law 12/2/60

B. HANUMANTHIA
Under Secretary, Law Dept.

File No AFD 227 FGL 59 is given to Sri V.S. 22/2

P28/C

17) Dft letter put up for appl

22/2/60

18) A

19) D. No AFD 2129/60 P25 to 28/C
The P.U. Dis for Perusal.
LD. May kindly see a copy of the order passed by the Dt Magistrate in C.C. No 383/58. CR. P9/58 at pages 27 & 28/C with refce to para 16 up.

LD) 11/3 16/3/60

15/3
28 A & F.D.

MYSORE GOVERNMENT SECRETARIAT No. 1491/60 18 MAR 1960 LAW SECTION III

F.No. 1089/Law
R.No. ~~5475~~/Law
Sec. III
16-3-60.

Note.—Contn. Sheet

(12)

File No. 506 FAB of 195?

Mysore Government Secretariat

Serial No.

20) The connected file no A.F.D 227 F.G.L 59 may also be made available for reference and return. The Adm. Rt may also specify, if any title deed is granted to the party, if so, a copy of the same may be made available.

A.F. dept) 24/3/60 U.S. (Ir Sect.)

F. NO. 1089.

1491/60-OTOW (Lawyer)

21) AFD file no AFD 227 FGL59 is in the file. P29/C

Off letter put up for appl.

PM 8/4 22) Issue

PM 8/4 8/4

Sus PM 20/4/60

23) D No AFD 9924/60 P31/CF

The P.U. D is for perusal.

The CCF has furnished information at page 31/CF required by the LD at para 20 up. AFD file no AFD 227 FGL59 is also put up. This may now be marked to LD.

PM 31/10/60 LD)

1/4

Sec 3

Registrar-I Law Department.

3537/D82

11-11-60

(13)

Mysore Government Secretariat

File No. A(2) 586 FAD 59 of 195 .

[App. F. III 2

Serial No.

Law Department.

24) The point for opinion is whether the Forest Department may with-hold delivery of the timber as per the Government Order dated 13-10-52 at page 155 of the Mysore Forest Manual inspite of the order of the District Magistrate in respect of the disposal of the said timber involved in the criminal case. The order passed by the District Magistrate in the criminal case has become final. It has to be given effect to and the power conferred under the Government Order dated 13-10-52 cannot be exercised. The department has to release the timber as per orders of the court after levying such amount of seigniorage as is legally due.

25) It is not possible for this department to express any view in respect of cancellation of the grant in the absence of relevant facts and provisions under which the department made the grant.

S.V. Papa Reddy
(S.V.Papa Reddy)
Solicitor & Ex-officio
Deputy Secretary, Law.
11.11.60

A.& F.Department.)

12/11

26) Draft letter put up for appl with refce to para 24 above.

16/11/60

27) For approval

19/11/60

28) This may be appd. Para 25 will be attended to later

22/11

(F & Tr)

22/11

K. S. N. MURTHY,
Dy. Secy. Agri & Forest Dept.

Note.—Contn. Sheet

1154
Law 3

FOREST SECRETARIAT
8857
NOV 1960
GOVT OF MYSORE

DEPUTY SECRETARY TO GOVT.
NO. 2279/F
22 NOV 1960
AGRICULTURE & FOREST DEPTT.

OFFICE OF THE MINISTER FOR FOREST & TRANSPORT
No. P-1212
22 NOV 1960

(14)

AFD File No. 506 FAD of 1959

Mysore Government Secretariat

Serial No.

Issued on 28.11.60

28/11

30 W.r.t. paras 5 and 6 n/f. submitted for perusal.

31 S.L.A. in para 5 n/f. may be approved.

32 Have you got the opinion of the Forest Deptt. on the issue.

Id/-5-9-61.
U.S.,(Forest)-

33 Pl. see the Divl. Commr's letter at page 10c.f. C.C.F. in his letter dated 12-1-61 (file No.AFD 506 FAD 59) has stated that the R.D. may be addressed to cancel the grant of 24 Acres of land out of 94 Acres made to Md. Burhanuddin and two others. Also please see the Joint inspection report of the Asstt. Commr. and the D.F.O.

34 Subtd. for perusal.

Ref. para 9 n/f.

35 - Please put up file containing C.C.F.'s letter No.B3-41-254/59, dated 12-1-1961 and examine if in view of the Court Order Govt. can cancel the grant.

Id/-22-10-61.
U.S.(Forest).

36 The file referred to at para 11 n/f. containing C.C.F.'s letter dated 12-1-1961 is placed below.

C.C.F. reports in his letter dated 12-1-1961 referred to above that S.No.26 of Attigere village with an extent of 301-11-0 was notified under Sec.4 of the M.F.A. during the year 1943 with a view to constituting the same as a State Forest, and it was declared as a State Forest under Sec. 17 of the

Sno
AD 1/12
3
in RD 292 LMD 61 placed below.

Serial No.

M.F.A. After the area was notified under Sec. 4 of the M.F.A., the R.D. have disposed of 94 acres of land in S.No.26 which also includes 25 acres granted for Coffee cultivation during 1953, 1956 and 1957 without the consultation of the Forest Deptt. Hence the provisions under which the R.D. made these grants cannot be stated. It may however be pointed out here that after issue of proclamation under Sec. 5 of the M.F.A., no land can be granted without the specific sanction of Govt. and any grant made without such sanction is null and void. As the areas are actually within the State Forest limits, C.C.F. requested in his letter dated 6th May 1959 addressed to the R.D. for cancellation of these grants. The R.D. have not proposed the disforestment of these areas on the ground that the grantees are in occupation of the lands and have invested money to bring the lands under cultivation and that the cancellation of the grant would result in harasment to the grantees.. From the perusal of the sketch enclosed to his letter dt. 12-1-1961, the disforestment of the lands granted for coffee cultivation will result in forming enclosures within the State Forest which is not desirable in the interest of protecting the surrounding Forest area.

37 In the circumstances, C.C.F. requests to address R.D. to cancel the grants made to Shri Mohammed Burhanuddin and two others.

38 Please also see the para 24 and 25 n/f. in file No.AFD 506 FAD 59 placed below.

Submitted for orders.

File No. of 196 . Mysore Government Secretariat

Serial No.

39 Apparently no action has been taken in C.C.F.'s letter of 12-1-1961 at page 35 c/f. in file No.AFD 506 FAD 59. In view of the circumstances reported by therein, we may request the R.D. not to press their proposal at 'A' in para 6 supra. The R.D. may be also requested to accept the recommendation of the C.C.F. and issue suitable instruction in the matter.

Sd/- 7-2-62.
U.S.(Forests)

D.S. ✗

I agree.

Sd/-8-2-62.
D.S., A. & F.D.

R.D. ✗

40 The A. & F. Deptt. is agreeable only to disforest 69 acres of land which is not under coffee cultivation as recommended by C.C.F. in his letter dated 12-1-1961 (Flag B) submitted for orders.

41 There are two questions involved. One is regarding release of 25 acres under Coffee cultivation and the other is release of 69 acres under ordinary cultivation. The C.C.F. has agreed to the release of 69 acres only and opines that the 25 acres should remain only as a Forest area.

42 We may enquire whether A. & F.Deptt. are agreeable to release of 69 acres. Refce. paras 16 to 17 n/f.

Id/-17-2
U.S., Rev.

A. & F.Deptt. ✗

43 pl. see ccf letter of 12-1-61. pl. see 'A' in the ccf letter. He has requested order of Govt. for the release

p. 34 c/f

AFD 506 FAD 59 (17)

Mysore Government Secretariat | File No. of 196 | [App. F. III 2

Serial No.

69 Acres only & that he has also opined that an area of 25 Acres should remain only with forest dept.,

44 Accordingly, draft G.O. is put up releasing an area of 69 Acres in S-No 26 of Attigere village.

CR 2/3/62 3/3

45. RD is informed that the AFD agree to the releasing 69 acres. The applicant will issue after it is seen by the RD. (p38/c)

RD 7.3.62

46) RD agrees)

AF & dept) 13/3

47) R.D has agreed to the proposal, & the Draft G.O. may now be issued. for orders

CR 16/3 19/3 D.S)

Draft G.O may be approved 22/3/62

Office of the Registrar R.D. 12 MAR 1962

DEPUTY SECRETARY TO GOVT AGRICULTURE & FOREST DEPT 688-F

p. 38c/f

Note.—Contn. Sheet

AFD 506 FAD 59

File No. of 196 .

Mysore Government Secretariat

Serial No.

The D/F C.O gives a summary of the orders proposed to be issued. May be approved.

688-F

M (Forests) approved

22/3

B. RACHAIAH,
Minister for Agriculture,
Co-operation & Forests.

18/4.

Issue

26/4/62

Issued on 24.4.62

OFFICE OF THE MINISTER FOR AGRICULTURE
No. F. 153/62
22/3/62

AGRICULTURE & FOREST DEPT.
No. 1646
18 APR 1962

25/4/62

(19)

COURT FEE INDIA 2Rs TWO RUPEES

OFFICE OF THE MINISTER FOR FOREST & TRANSPORT No. A 1203 8 - DEC 1959

MYSORE GOVERNMENT SECRETARIAT NO. 11828 FOREST BRANCH

AGRICULTURE & FOREST DEPARTMENT 28 11/1

To

The Hon'bleThe Minister for Forests

Govt. of Mysore,

Bangalore.

Petitioner:- Mohammed Burhanuddin,
c/o Janab C.A.Mohammed Hussain,
Coffee Planter,
Chikmagalur.

Pl. put up papers immediately

Sub:- IMMEDIATE ORDERS FOR RELEASE OF THE TIMBER AND TAKING MALKI: of S.No.26 of Athigiri:

H. F&T.

Most Respected Sir,

Secy A&F.

With due respects and humble submission, I beg to represent to your honour the following and pray for kind early orders.

I. I beg to submit to your honour that on the above subject I had represented on 31-3-1959 to the District Forest Officer, Chikmagalur - my immediate superior officer for the release of Timber, for which on 14-4-159 an endorsement stating that THE MATTER IS UNDER EXAMINATION and asked me to await further intimation from the said office.

2. In obedience to the said orders I waited and on 30-4-1959 I further represented for which till date I did not get any orders and the same is pending.

3. Finding no reddress, I had on 5-5-1959 represented the entire matter to the Chief Conservator of Forests in Mysore, Bangalore,

for which in endorsement No. B3 -41-254/59-60 dated 27-5-59 I am informed that the Govt. have been addressed in the matter and their orders are awaited.

4. Though it is 7 months by now, till date having not heard anything from anywhere, and the seized timbers are in the custody of the Govt. itself inspite of orders from the Court where it was tried, it is a pity to see that till date no action is being taken by the Govt. for the release of the seized timber and also not taken the Malki.

5. Due to inordinate delay in the matter, it is feared that the timber will be lost in fire and will cause me heavy loss untold and it means utter ruination of mine.

6. I pray your honour for immediately calling for the file concerning the above matter and to order for immediate release of my timber and to take malki and thus end the matter. There is no reason as to the delay in this matter inspite of my repeated requests and demands for the return of my Timber inspite of several cases that took place in this behalf.

7. In brief I may beg to mention here to your honour that during June 1957, 15 acres of land was granted to me by the Revenue Dept, in S. No. 26 of Athigiri village for Coffee cultivation. I got the jungle cleared and cut down the timber trees for making fit of the land for cultivation of Coffee plants. When the timber was cut, the then Forest Range Officer, Kadur, inspected the timber and made a report of the same to the D. F. O. Chikmagalur informing that it is State Forest. Thereupon the Sub Divisonal Officer the D. F. O. and the Survey Superintendent inspected

(21) 5

and declared and settled that the land from which timber was cut belongs to me. Vide order of the S.D.O. dated 30-4-1958 it is quite clear that it is absolutely mine. But by this time the then D.F.O. Chikmagalur seized all my timber along with other two parties who were also involved and it was launched in the Court. In the said Court of the Munsiff Magistrate it was ordered that the all the timber which was seized by the Forest Dept, to be returned to me and those others vide judgment passed on 28-8-1958. Not being satisfied with this order, the Public Prosecutre from the side of the Govt. filed a Revision petition to the District Magistrate, Chikmagalur, where too it was passed orders under section 520 Cr.P.C. after receiving the Malki, all the timber seixed in this case to be returned to the parties which judgment was passed on 2-3-1959.

8. Since 2-3-1959 for the petitions that I have been submitting till date which is about 10 months by now, there is no response from the Govt, and have not so far released my timber, and your honour will please guess for a while what will be the condition of the timber that is lying and it has already had enough of drenching during the Monsoon and now due to no rains but heat, the timbers will get spoiled and will be caught by fire and thus burnt, it means the entire property of mine will be lost and I will be utterly ruined.

I therefore humbly appeal your honour for IMMEDIATELY CALLING FOR THE RECORDS AND TO ORDER FOR IMMEDIATE RELEASE OF MY PROPERTY AND TO TAKE MALKI AND THUS HELP ME, as otherwise I will be put to heavy damages which will be ending in litigation with most displeasure. Hence I pray for immediate orders. Thanking your honour,

Yours faithfully,

4/12/59

محمد بن حسن

(22) 7

M. G. S. App. F. VI—G. 2]

SUBJECT Request of Sri Mohammed Burhanuddin for release of timber and taking Malki of S. No 26 of Athigiri

Diary No. of letter replied to .....

Mysore Government Secretariat

( )

the 195 .

Date of issue... .....195 .

Signed by.....

May this bd

(i) printed?

(ii) treated as a Standing Order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette, Kannada Part?

Issued with accompt
30/12.

Section
Serial No. } AFD 506 FA
File No.

59.

~~Proceedings of the Government of Mysore~~

To The CCF

~~Read~~

Sir, I am directed to forward herewith for immediate remarks a copy of petition d 4-12-59 from Sri Mohammed Burhanuddin, Coffee planter, Chikmagalur on the subject noted above.

Order thereon.—No.

AFD

COPY

277 FILES

14-12-59

8-3-41-254/59

11828

14/m

OFFICE OF THE MINISTER FOR FORESTS
No. A 1334
24 DEC 1959

To

The Hon'ble The Minister for Forests
Govt. of Mysore,
Bangalore.

MYSORE GOVERNMENT SECRETARIAT
NO. 12333
28 DEC 1959
FOREST BRANCH

Petitioner :- Mohammed Burhanuddin,
c/o Janab O.A.Mohammed Hussain,
Coffee Planter,
Chikmagalur.

Sub :- IMMEDIATE ORDERS FOR RELEASE OF THE TIMBER AND TARING MALKI: of S.No.26 of Athigiri :

Most Respected Sir,

With due respects and humble submission, I beg to represent to your honour the following and pray for kind early orders.

1. I beg to submit to your honour that on the above subject I had represented on 31-3-1959 to the District Forest Officer, Chikmagalur - my immediate superior officer for the release of Timber, for which on 14-[illegible]-1959 an endorsement stating that THE MATTER IS UNDER [illegible]ATION and asked me to await further intimation from [illegible] office.

In obedience to the said orders I waited and [illegible]959 I further represented for which till date I did [illegible] orders and the same is pending.

[illegible]inding no reddress, I had on 5-5-1959 repres[illegible] [illegible]tter to the Chief Conservator of F[illegible]

[illegible]galore,

The earlier appl[illegible] from this party [illegible] was sent to for[illegible] inquiries served but [illegible] C.F. has already [illegible] in reply [illegible] Papers may [illegible] be put up [illegible] Submitted [illegible]

for which in endorsement No. 83 -41-254/59-60 dated 27-5-59 I am informed that the Govt. have been addressed in the matter and their orders are awaited.

4. Though it is 7 months by now, till date having not heard anything from anywhere, and the seized timbers are in the custody of the Govt. itself inspite of orders from the Court where it was tried, it is a pity to see that till date no action is being taken by the Govt. for the release of the seized timber and also not taken the Malki.

5. Due to inordinate delay in the matter, it is feared that the timber will be lost in fire and will cause me heavy loss untold and it means utter ruination of mine.

6. I pray your honour for immediately calling for the file concerning the above matter and to order for immediate release of my timber and to take malki and thus end the matter. There is no reason as to the delay in this matter inspite of my repeated requests and demands for the return of my Timber inspite of several cases that took place in this behalf.

7. In brief I may beg to mention here to your honour that during June 1957, 15 acres of land was granted to me by the Revenue Dept, in S. No. 26 of Athigiri vi for Coffee cultivation. I got the jungle cleared and down the timber trees for making fit of the land for cultivation of Coffee plants. When the timber was the then Forest Range Officer, Madur, inspected t and made a report of the same to the D. F. O. Chir informing that it is State Forest. Thereupon th Officer the D. F. O. and the Survey Superintenden

A.12.B

(25)

1/2

and declared and settled that the land from which timber was cut belongs to me. Vide order of the S. D. O. dated 30-4-1958 it is quite clear that it is absolutely mine. But by this time the then D. F. O. Chikmagalur seized all my timber along with other two parties who were also involved and it was launched in the Court. In the said Court of the Munsiff Magistrate it was ordered that the all the timber which was seized by the Forest Dept, to be returned to me and those others vide judgment passed on 23-8-1958. Not being satisfied with this order, the Public Prosecutre from the side of the Govt. filed a Revision petition ~~xxxxx~~ to the District Magistrate, Chikmagalur, where too it was passed orders under section 520 Cr.P.C. after receiving the Malki, all the timber seixed in this case to be returned to the parties which judgment was passed on 2-3-1959.

8. Since 2-3-1959 for the petitions that I have been submitting till date which is about 10 months by now, there is no response from the Govt, and have not so far released my timber, and your honour will please guess for a while what will be the condition of the timber that is lying and it has already had enough of drenching during the Monsoon and now due to no rains but heat, the timbers will get spoiled and will be caught by fire and thus burnt it means the entire property of mine will be lost and I will be utterly ruined.

I therefore humbly appeal your honour for IMMEDIATELY CALLING FOR THE RECORDS AND TO ORDER FOR IMMEDIATE RELEASE OF MY PROPERTY AND TO TAKE MALKI AND THUS HELP ME, as otherwise I will be put to heavy damages which will be ending in litigation with most displeasure. Hence I pray for immediate orders. Thanking your honour,

Yours faithfully,

4/12/59

(26) 13

M. G. S. App. F VI—G. 2

SUBJECT.... Request of Sri Mohammed Burhanuddin for release of timber and taking market of S.No. 26 of Athigiri

Diary No. of letter replied to.....

Section
Serial No. } AFD 506
File No.

FAD 59

Mysore Government Secretariat

( )

the 195 .

~~Proceedings of the Government of Mysore~~ dt 20-1-60

Date of issue.....195

~~Read~~ To the CCF

Sir, ~~I am directed to invite~~ Pl. refer your attention to G.O. of even no d 30-12-59. ~~On the subject noted above and to request that the~~ Remarks called for therein may kindly be furnished immediately

Signed by.....

May this be—

(i) printed ?
(ii) treated as a Standing Order ?
(iii) published in the Gazette, English Part ?
(iv) translated ?
(v) placed at the disposal of the Press
(vi) published in the Gazette, Kannada Part ?

Order thereon.—No.

Issued 20/1/60.

Yours
S
Dy Secy to Govt
for AFD

(27) 11933/59

Copy of letter No.B3.41-254/59 dated 14th December 1959 from the Chief Conservator of Forests in Mysore, Bangalore, to the Secy. to Government, Agriculture & Forest Department, Bangalore.

....

Sub:- Grant of land for Coffee cultivation out of S.No.26 of Attigere village.

Ref:- Govt. letter No.AFD 277 FGL 59 dated 25-9-1959.
.... 227

The circumstances under which the lands in question were granted by the Revenue Department have been reported to Government under this office letter of even number dated 6-5-1959. The Divisional Commissioner, Mysore Division has called for opinion regarding regularisation of the grant made by the Revenue Department inadvertantly and it is under examination of this Department separately. As regards the release of the timber felled by the parties in the present cases, the Conservator of Forests, Shimoga Circle, was asked to take further action as per the orders of Government dated 25-9-1959 referred to above. In this connection a copy of the report received from the Conservator of Forests, Shimoga Circle is enclosed for kind perusal. As per the orders contained in G.O.No.AF 6954-57/Ft.73-52-2 dated 13-10-1952 (page 155 of the Mysore Forest Manual) even in the areas given out for cultivation, the Forest Department has a right over the reserved kinds of timber such as Honne, Nandi, Poon, Teak, Blackwood etc., but this Department should exercise the right within one year, after giving the land for cultivation. After one year the Department foregoes the right. In the present case, the timber felled by Sri Mohamed Buden Din, to whom 15 acres of land has been granted, has been seized by the Department within a period of one year from the date of granting the land under Darkhast. Hence as per the Government Order dated 13-10-1952, the reserved timber in this case belongs to Government. The Department has spent considerable amount towards dragging and transportation of this timber from the jungle to Chickmagalur. The timber felled is also very valuable. In the foregoing circumstances and also the facts reported in detail to Government in this office letter No.B3.41-254/59-60 dated 6-5-1959 orders of Government in regard to the confiscation of the seized timber and cancellation of the irregular grant of land made by the Revenue Department may, in consultation with the Law Department of Government if need be, communicated early for taking further action.

.....

Copy of letter No.M.36-93/58-59 dated 7-11-1959 from the Conservator of Forests, Shimoga Circle to the Chief Conservator of Forests, Bangalore.

....

Sub:- Grant of lands for coffee cultivation out of S.No. 26 of Attigere village.

Ref:- Your No.B3.41-254/59 dated 22-10-59 communicating copy of letter No.AFD 227 FGL 59 dated 25-9-59 of the Secretary to Government, Agriculture and Forest Department to the Chief Conservator of Forests, Bangalore.

....

With reference to the above, I enclose herewith a copy of letter No.FOC-107/58-59-60 dated 2-11-1959 of the District Forest Officer, Chikmagalur for kind perusal under the circumstances explained by the District Forest Officer, Chikmagalur kind orders in the matter of release of timber of reserved kind are solicited.

Copy of letter No.FOC-107-58/59-60 dated 2nd November, 1959 from the District Forest Officer, Chikmagalur to the Conservator of Forests, Shimoga Circle.

Sub:- Grant of lands for coffee cultivation out of S.No.26 of Attigere village.

Ref:- No.B3.41-254/59 dated 22-10-1959 of the CCF Bangalore communicating copy of letter No. AFD 227 FGL 59 dated 25-9-1959 from the Secy. to Govt., Agri. & Forest Department, Bangalore to the CCF, Bangalore regarding releasing of timber.

....

With reference to the above, I write to state as under:-

(1) The Hon'ble Civil Judge and District Magistrate in his judgment on the 2nd March 1959 in case No.CC.No.383/58 CRP/9/58 has pronounced judgment stating that the respondents have to take the property in question after making the payment due to Government in accordance with the provisions of the regulations or rules or standing orders in force in Mysore. Thus, the Judge has ordered the disposal of the properties in question. Thereby the orders of the District Magistrate do not preclude the Forest Department from taking action as per G.O. No.AF 6954-57 Ft.73-52-2 dated 13th October, 1952. According to this order, the reservation of all the reserve kind timber detailed therein vests with the Forest Department and the same can be extracted Departmentally. The timber now seized and kept in departmental custody and also timber still standing in the land granted contain, is very valuable. There are beete logs which are valuable in view of the fact that there is shipment quality which would fetch nearly Rs.50/- per cubic foot. The department has spent a sum of Rs.95-54 nP towards dragging of timber and 1793-12 towards transportation from the jungle to Chikmagalur. Therefore, it is very necessary to obtain necessary orders of Government to confiscate the reserve kind timber to Government and releasing unreserve kind timber to the party on payment of full malki value as per orders of the Hon'ble Civil Judge and District Magistrate.

(2) The Deputy Commissioner, Chikmagalur, has granted 15 acre

p.t.o.

of land to Mohamed Buden Din in his No.D.Dis.M6.Dar 107/56-57 dated 12-6-1957. The timber felled by this grantee has been seized within a period of one year from the date of granting the land under darkhast rules. Therefore, necessary orders may kindly be communicated to take over the reserve kind timber felled and also standing to Forest Department as per Government order dated 13th October 1952 releasing the unreserve kind to the party.

In the case of Naimunisa alias Bismila Bi and Mohamed Ali, five acres of land each were granted by the Deputy Commissioner, in his No.M4.Dr.331/55-56 dated ~~Deputy~~ 8-11-1956. These people have not paid the malki value for the entire growing stock. There people will be entitled to the number of trees that have been valued by the Revenue Officers. Since they have not paid for the rest of the trees, these revert to the Government. Therefore, in the case of these two individuals, necessary orders may kindly be obtained to release the quantity of reserve kind timber for which they have paid for and to take over the remaining quantities of reserve kind timber to the Forest Department. The exact quantity that is to be released will be ascertained from the Revenue Officers concerned and suitable action will be taken, on receipt of necessary orders.

Necessary revised orders may kindly be obtained to take over the reserve kind timber to the Forest Department which is very valuable and communicate the same so that necessary action may be taken at this end.

....

'COPIES'

...

No.B3-41-254/59.

CHIEF CONSERVATOR'S OFFICE,
BANGALORE: DATED: 23-1-60

To

The Secretary to the Government,
Agriculture and Forest Department,
BANGALORE.

Sir,

Subject:--Request of Sri. Mohammed Burhanuddin for release of timber and taking malki of Survey No.26 of Attigere.

Reference:--Your letter No.A.F.D.506 FAD 59, dated 30th December 1959.

I invite your kind reference to this Office letter of even No. dated 14th December 1959 on the above subject and request that orders of Government in the matter may kindly be communicated early for taking further action.

Yours faithfully,

(K. KADAMBI).
CHIEF CONSERVATOR OF FORESTS.

MYSORE GOVERNMENT SECRETARIAT
NO. 837
1 - FEB 1960
506 FAD 59
FOREST BRANCH

B.F.21/1/3.

(31) 24

Appendix F. G.—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the *195* .

Date of issue.....

Not to issue

Signed by.....

List of enclosures .....

Copied by.....

Examined by .....

Section

File No. } AFD 506

Serial No. } FA 59

No.

To Sri Mohammed Burhanuddin c/o Janab C. A. Mohammed Hussain, coffee planter, Chikmagalur

Sir, with ref. to your petition d 4-12-59 requesting for release of timber and taking malki of S. No 26 of Athigiri, I am directed to state that the C.F has been advised to release the timber according to the orders of the court after levying such amount of seigniorage as is legally due. You may please approach him in the matter.

Copy to the C.F with ref. to his letter No B3-41-254/59 dt 25-1-60

AND DS to CM

(32) 23

M. G. S. App. F VI—G. 2]

SUBJECT Request of Sri Mohammed Burhanuddin for release of Hambs and taking malki of S. No 26 of Attigere

Diary No. of letter replied to.....

Mysore Government Secretariat

( )

the 195 .

Date of issue.....195 .

Signed by.....

P19/c

Noted

29-2-60

May this be—

(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Section
Serial No. } APD 506 FAD 59
File No.

dt 29-2-60

Proceedings of the Government of Mysore

To The C.C.F

Read—

Reference your letter No B3-41-254-59 d 23-1-60

Please forward a certified copy of the order passed by the Civil Judge cum Jt Magistrate Chikmagalur in C.C. No 388/58 C.R. P9/58. Urgent action required.

A

Dy Secy
PM AFD

(33)

No.B3-41-254/58. THE CHIEF CONSERVATOR'S OFFICE,

To BANGALORE: DATED: 3-3-60

The Secretary to Government,
Agriculture and Forest Departments,
BANGALORE.

Sir,

Subject:--Request of Sri. Mohammad Burhanuddin for release oftimber and taking malki of S. No.26 of Attigere.

Reference:--Your letter No.AFD 506 FAD 59 dated 20th February 1960.

.....

A copy of the order passed by the District Magistrate in C.C. No.383/58. CR. P9/58 is enclosed as desired.

Yours faithfully,

CHIEF CONSERVATOR OF FORESTS.

FOREST DEPARTMENT
15
4/3
A4/3.
MYSORE GOVERNMENT SECRETARIAT
No. 2129
7 - MAR
506 FAD
FOREST BRANCH
B.K.2/3/60.

(34)

IN THE COURT OF THE DISTRICT MAGISTRATE, CHIKMAGALUR.

Dated the 2nd day of March 1959.

Present.

Sri B.Thimmapparaj Urs, M.A., LL.B., District Magistrate.

Cr. R.P. 9/1958.

Petitioner.		Respondent.
Govt. by District Prosg. Inspector, Chickmagalur.	Vs.	Mohamed Buddandin & 5 others.

UNDER SECTION 520 CODE OF CRIMINAL PROCEDURE.

Orders.

1) . This application is filed under Sec.520 Cr.P.C. praying that the order of the Munsiff-Magistrate, Chikmagalur in C.C.383/58 on his file in respect of the property connected with the case may be clarified.

2) The facts are that the respondents were the accused in C.C.383/58 on the file of the Munsiff-Magistrate, Chikmagalur. They were acquitted in the said case. The charge was that the respondent unauthorisedly cut the standing timber and thereby committed an offence under Rule 5(a), 9, 11 and 15 of the Rules for the Management of the District Forest read with Sec. 35 of the Mysore Forest Act. The respondents accused were acquitted in that case. It was ordered that the property, i.e., the timber shall be restored to the persons that from whom they were seized by the Forest Department.

3) The contention is that heavy amount of money in the shape of unpaid malki etc. referred to in Ex.P8 in the said case is outstanding. It is to be recovered before returning the property. This has not been mentioned in the order of the learned Munsiff , Magistrate. A review petition was filed before the learned Munsiff Magistrate. It was dismissed that he has no inherent powers in law to do so. Therefore this revision petition is filed. Both parties were heard and the case is posted for orders.

4) It is found that though the matter that the malki should be paid before taking the timber is silent in the order, it does not mean that the respondent can evade the payment of malki due to the Government under Law. The learned counsel for the respondent also concedes this point in the course of his argument, but he states that some amount has already been paid and that the Revenue Officer will collect this amount and not the Forest Department. The matters how much is to be paid and to whom it is to be paid or not within the scope of this case. The only point for consideration is whether the respondents have to pay the 'Malki' before taking the timber in question. I pass an order that the respondents have to take the property in question after making the payment due to the Government in accordance with the provision of Regulations of Rules or the standing orders in force in Mysore. Thus the further order in respect of the disposal

Contd.....2.

of the properties in question is made. Consequently the application is allowed.

Dictated to the stenographer, transcribed and then pronounced by me in open court on the 2nd day of March 1959.

Sd/- B.Thimmapparaj Urs.
District Magistrate.

C O P Y

CHIEF CONSERVATOR OF FORESTS.

N.P.

(36) 29

M. G. S. App. F VI—G. 2]

SUBJECT Request of Sri Mohammad Burhanuddin for release of timber and taking make of S. No 26 of Attigere

Diary No. of letter replied to.....

Mysore Government Secretariat

( )

the 195 .

Date of issue..... 195

Signed by.....

May this be—
(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Section

Serial No. AF2506

File No. FA259

~~Proceedings of the Government of Mysore~~ 19.4.60

~~Read~~ To The CCF

Sir, With refce to the correspondence ending with your letter No B3-41-254-59 d 3-3-60 on the subject noted above, I am directed to enquire if any title deed is granted to the Party. If so, a copy of the same may be forwarded to Govt for refce. ~~and return~~

Order thereon.—No

7/17

8/4

AD & to Govt

CHIEF CONSERVATOR'S OFFICE.

No.B3-41-254/59. BANGALORE, DATED 21 OCT.1960.

To

The Secretary to Government,
Agriculture & Forest Department,
B A N G A L O R E.

Sir,

Sub:-Request of Sri Mohammad Burhanuddin for release of timber and taking malki of S.No.26 of Attigere.

Ref:-Your letter No.AFD 506 FAD 60 dated 19-4-60.

...

The Conservator of Forests, Shimoga Circle has reported that the Saguvali Chits, i.e. certificate of transfer and conferring right of land in favour of the grantees have been made by the Revenue authorities and that these saguvali chits themselves are title deeds under Land Revenue Rules. The saguvali chit is reported to have been issued to the party on 25-6-1957 by the Tahsildar, Chickmagalur. As the saguvali chit has been issued by the Revenue Department the same is not available with this Department.

Out of the timber seized in Attigere S.No.26, 14 logs are reported to have been destroyed accidentally on 3-4-1960 by fire in spite of the efforts made by the Departmental staff. In the circumstances and with a view to avoid further damage to the seized stock, orders of Government may be issued very early to dispose of this seized stock.

Yours faithfully,

CHIEF CONSERVATOR OF FORESTS.

A.K.

MYSORE GOVERNMENT SECRETARIAT
NO. 9924
25 OCT 1960
FOREST BRANCH

M. G. S. App. F VI—G. 2]

(58) 38

SUBJECT.....

Diary No. of letter replied to.....

Mysore Government Secretariat

( )

the 195 .

Date of Issue 28.11.60 195

Signed by.....

May this be—

(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Section

Serial No.

File No.

~~Proceedings of the Government of Mysore~~

To

~~Road~~ Sri Mohammed Burhanuddin,
c/o Janab C.A. Mohammed Hussain
Coffee Planter,
Chikmagalur

Sir, with refce to your petition dt 4-12-59 requesting for release of timber and taking malki of S. No. 26 of Athigiri, I am directed to state that needful instructions are being communicated to the CCF who may be approached in the matter.

Order thereon.—No.

P|CF

P.T.O.

(P.T.O.

no to CCF
PM
SFD

33

Copy to the CCF with ref to his letter No B4-41-257/59 d 21-10-60. The CCF is hereby informed that the orders passed by the District Magistrate in the Criminal case is final and it should be given effect to ~~but the not~~ and the power conferred ~~exercised~~ orders issued in under the G.O. No AF 6954-57/H-73-52-2 d 13-10-52 cannot be exercised

The CCF is therefore requested to release the timber ~~to the applicant~~, as per orders of the court after levying such amount of Seigniorage as is legally due. Re cancellation of the irregular grant of land by the RD, please make available the information regarding relevant facts and provisions under which the dept made the grant

List of Enclosures.

as to CCF
By
PM AFD

2 16/4

Copied by

Examined by

(34)

3k

Office of the
Chief Conservator of Forests
in Mysore, Bangalore.

No. B3-41-254/59.
Enl one Sketch

Dated: 19 Jan., 1961.

To

The Secretary to Government,
Agriculture and Forest Department,
BANGALORE.

Sir,

MYSORE GOVERNMENT SECRETARIAT
NO. 508
16 JAN
FOREST BRANCH

Sub:- Grant of lands for Coffee Cultivation out of S.No.26 of Attigere Village, Chickmagalur Taluk.

Ref:- Your No.AFD 506 FAD 59 dated 28-11-1960.

The S.No.26 of Attigere Village with an extent of 301 acres 11 guntas was notified under Section 4 of the M.F.A. during the year 1943 with a view to constitute the same as a State Forest. It was declared as a State Forest under Section 17 of the M.F.A. as per Government Notification No.AFD 8 AFT 57 dated 1-3-1958. After the area was notified under Section 4 of the M.F.A, the Revenue Department have disposed of 94 acres of land in the S.No. which also includes 25 acres granted for Coffee Cultivation, during 1953, 1956 and 1957 without the consultation of this Department. Hence the provisions under which the Revenue Department made these grants cannot be stated. It may however be pointed out here that after issue of proclamation under Section 5 of the M.F.A. no land can be granted without the specific sanction of Government and any grant made without such sanction is null and void. As the areas are actually within the State Forest limits, Government was requested under this office letter of even number dated 6th May 1959 to address the Revenue Department for cancellation of these grants. The Revenue Department have now proposed the disforestment of these areas on the ground that the grantees are in occupation of the lands and have invested money

Contd...2.

to bring the lands under cultivation and that the cancellation of the grant would result in harasment to the grantees. In this connection, I enclose a sketch showing the area granted for cultivation and coffee cultivation. As can be seen from the sketch, the disforestment of the lands granted for coffee cultivation will result in forming enclosures within the State Forest which is not desirable in the interest of protecting the surrounding Forest area. In the circumstances as already requested under this office letter of even number dated 6th May 1959, the Revenue Department may be addressed to cancel the grants made to Shri Mohammed Burhanuddin and others. In this connection I may however point out that as ordered by Government in their reference No. AFD 106 FAD - 59 dated 28-11-1960, the Conservator of Forests, Shimoga Circle has been directed to release the seized timber to the party.

As regards the grant of 69 acres which is under cultivation, it is reported that the grantees are in occupation of the lands for the last seven years and have brought the lands under cultivation with Ragi, Jola etc. Further as can be seen from the sketch, the release of this area will not render the Forest boundary seriously awkward. In the circumstances I have no objection to disforest this area.

Orders of Government may kindly be issued early.

Yours faithfully,

(Draft approved by CCF)

11/1

(N.S.Kaikini)
CHIEF CONSERVATOR OF FORESTS.

N.P.

	Name of grantee	Area granted A. G.
1	[illegible]	3=00
1	[illegible]	3=00
2	[illegible]	3=00
3	[illegible]	3=00
4	[illegible]	3=00
5	[illegible]	3=00
6	[illegible]	3=00
7	[illegible]	3=00
8	[illegible]	3=00
9	[illegible]	3=00
10	[illegible]	3=00
11	[illegible]	3=00
12	[illegible]	3=00
13	[illegible]	3=00
14	[illegible]	3=00
15	[illegible]	3=00
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17	[illegible]	3=00
18	[illegible]	3=00
19	[illegible]	3=00
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21	[illegible]	3=00
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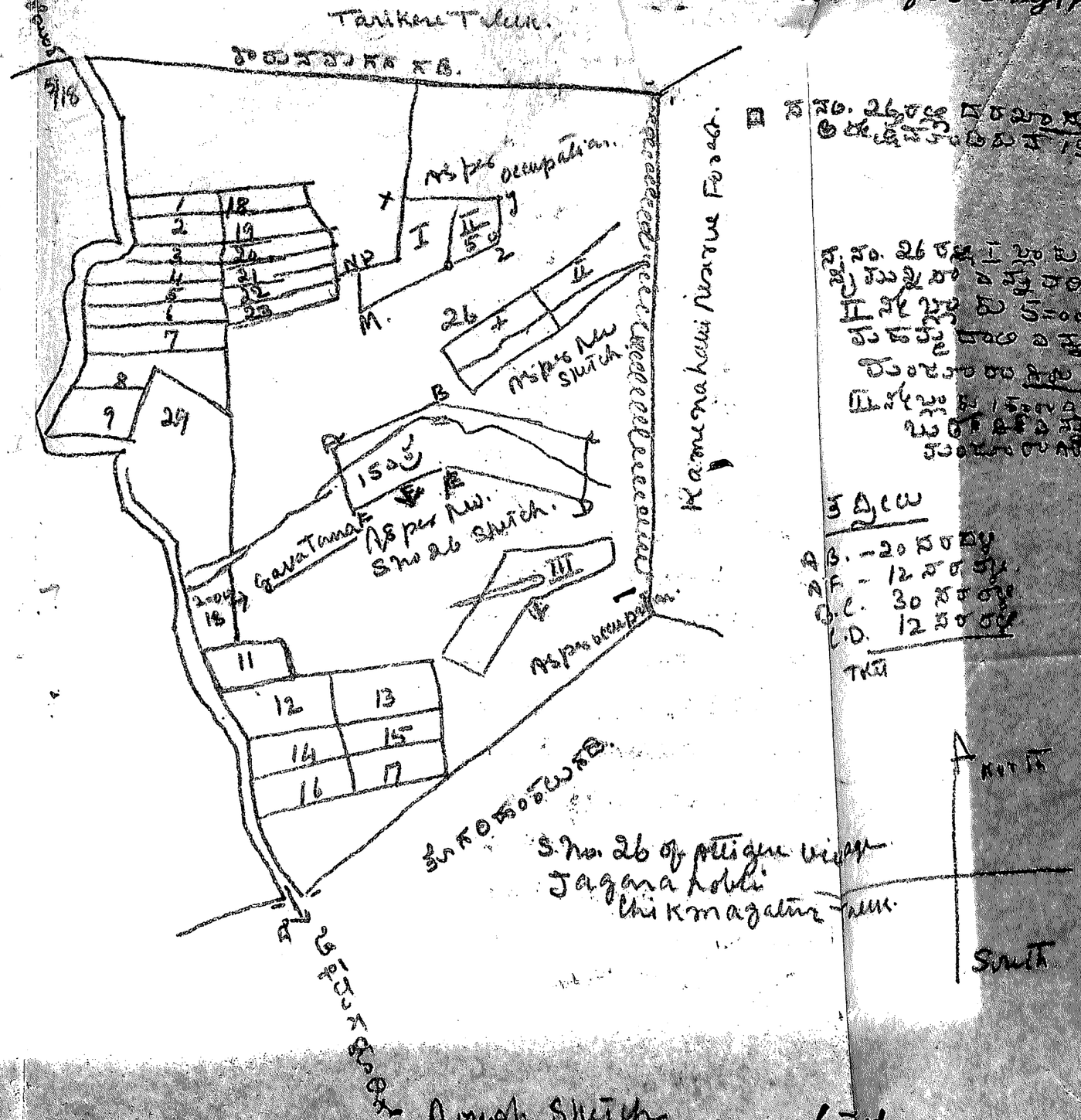
23	[illegible]	3=00
24	[illegible]	3=00
25	[illegible]	3=00
26	[illegible]	3=00
27	[illegible]	3=00
28	[illegible]	3=00
29	[illegible]	3=00
30	[illegible]	3=00
31	[illegible]	3=00
32	[illegible]	3=00
33	[illegible]	3=00
34	[illegible]	3=00
35	[illegible]	3=00
36	[illegible]	3=00
37	[illegible]	3=00
38	[illegible]	3=00
39	[illegible]	3=00
40	[illegible]	3=00
41	[illegible]	3=00
42	[illegible]	3=00
43	[illegible]	3=00
44	[illegible]	3=00
45	[illegible]	5=00
46	[illegible]	5=00

Scale 1" = 20 chains of 33' length.



Rough Sketch prepared by me and based

V. Jaisham Surveyor
Range Prop. of Reserve
Kadur

M. G. S. App. F VI—G. 2]

SUBJECT Grant of lands - 69 Acres out of S.No.26 of Attigere Village, Chickamagalur Tqluk which is already under cultivation by the grantees.

Diary No. of letter replied to.....

Section

Serial No.

Mysore Government Secretariat

File No.

( )
the 195 .

Proceedings of the Government of Mysore

Date of issue.....195 .

Read—

1) Letter No. B3.41-254/59 dated 12th January 1961 of the C.C.F.,

Signed by.....

May this be—
(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Order thereon.—No.

AFD 506 FAD 59

Bangalore, dated the . . . . .

C.C.F. has reported that S.No.26 of Attigere village with an extent of ~~XXX~~ 301-11-0 Acres was notified under Sec.4 of M.F.A. during the year 1943 with a view to constitute the same as a S.F., and it was declared as a State Forest under Sec.17 of M.F.A. After the area was notified under Sec.4 of M.F.A., the R.D. have disposed of 94 acres of land in their S.No. referred above which also includes 25 acres granted for Coffee Cultivation without the ~~consul~~ ~~tation~~ consent of the Forest Department. As the areas

are actually within the State Forest limits, it R.D. was addressed for cancellation of these grants made by R.D. But R.D. have now proposed for the disforestment of these areas on the ground that the grantees are in full occupation of the lands and have invested large sums to bring the lands under cultivation and that the cancellation of the grants would result in harasment to the grantees. But C.C.F. feels that the disforestment of the lands granted for coffee cultivation will result in forming enclosures within the State Forest which is not desirable in the interest of protecting the surrounding forest areas. However, CC.F is agreeable to release an area of 69 Acres (i.e. leaving 25 acres out of 94 Acres granted for coffee cultivation by R.D.) on the grounds that the area is under cultivation and the grantees are in full occupation of the lands for the last seven years and have brought the lands under cultivation with Ragi, jola, etc., Also the release of this area will not render the forest boundary awkward. In view of this, C.C.F. has no objection for the release of 69 Acres out of S.No. 26 of Attigere village, Chickmagalur District.

List of Enclosures.

Copied by

Examined by

M. G. S. App. F VI—G. 2]

SUBJECT.....

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Diary No. of letter replied to.....

Section

Serial No.

File No.

Mysore Government Secretariat

( )

the 195 .

Proceedings of the Government of Mysore

Issued

Date of issue.....195 .

Signed by.....

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Read—

After careful consideration, Govt. are pleased to order the release of an area of 69 Acres out of 94 Acres granted by R.D. in S.No.26 of Attigere village, Chickmagalur District which is already under ~~xxxxx~~ cultivation. The area is ~~Order thereon.//No.~~ surrendered to R.D. for being granted to the grantees subject to the usual terms and conditions as are in force. Before the area is actually surrendered to R.D., the malki, if any, standing on the area should be disposed of by the ~~XXXX~~ forest Deptt.,

The C.C.F. is requested to take further action in the matter and submit disforestment Notification to Govt. for publication in the Mysore Gazette.

B.O. etc.,.

To
C.C.F.,
Div.Commr., Mysore
D.C., Chickmagalur
C.F. Chickmagalur
R.D., / w.g.

22/3/62